

THE HONORABLE DAVID G. ESTUDILLO

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MAVERICK GAMING LLC,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No.: 22-cv-05325-DGE

**NON-PARTY TRIBES' CONSENT  
MOTION FOR LEAVE TO FILE  
AMICUS CURIAE BRIEF IN SUPPORT  
OF LIMITED INTERVENOR  
SHOALWATER BAY TRIBE'S  
MOTION TO DISMISS**

**Note on Motion Calendar: October 11,  
2022**

The Suquamish Tribe, the Confederated Tribes of the Chehalis Reservation, the Hoh Indian Tribe, the Kalispel Tribe, the Makah Indian Tribe, the Nisqually Indian Tribe, the Nooksack Indian Tribe, the Port Gamble S'Klallam Tribe, the Puyallup Tribe of Indians, the Quinault Tribe, the Samish Indian Nation, the Skokomish Indian Tribe, the Spokane Tribe, the Squaxin Tribe, the Swinomish Indian Tribal Community, the Tulalip Tribes, and the Confederated Tribes and Bands of the Yakama Nation ("*Amici Tribes*") respectfully request leave to file the attached brief as *amici curiae* in support of the motion to dismiss filed by Limited Intervenor Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation

NON-PARTY TRIBES' CONSENT  
MOTION FOR LEAVE TO FILE *AMICUS*  
BRIEF (No. 22-cv-05325) – 1

JENNER & BLOCK LLP  
1099 New York Avenue, NW, Suite 900  
Washington, DC 20001-4412  
Tel. 202 639-6000

1 (“Shoalwater Bay”). Doc. 85. *Amici* Tribes have conferred with all parties to this case, and the  
 2 parties have consented to the filing of this *amicus* brief. A copy of the proposed brief is attached  
 3 as Attachment A to this motion.<sup>1</sup>

4 Courts have “broad discretion to permit ... amicus participation,” *Wagafe v. Biden*, No.  
 5 17-CV-00094, 2022 WL 457983, at \*1 (W.D. Wash. Feb. 15, 2022), and they generally  
 6 “exercise[] great liberality in permitting amicus briefs,” *California ex rel. Becerra v. U.S. Dep’t*  
 7 *of the Interior*, 381 F. Supp. 3d 1153, 1164 (N.D. Cal. 2019) (quotation marks omitted) (quoting  
 8 *Woodfin Suite Hotels, LLC v. City of Emeryville*, No. C 06-1254, 2007 WL 81911, at \*3 (N.D.  
 9 Cal. Jan. 9, 2007)). “[T]here are no strict prerequisites to qualify as amici.” *Wagafe*, 2022 WL  
 10 457983, at \*1 (quoting *Hooper v. City. of Seattle*, No. C17-0077, 2017 WL 11437101, at \*1  
 11 (W.D. Wash. Aug. 28, 2017)). But typically, courts “consider *amicus* briefs from non-parties  
 12 [(1)] ‘concerning legal issues that have potential ramifications beyond the parties directly  
 13 involved or [(2)] if the *amicus* has unique information or perspective that can help the court  
 14 beyond the help that the lawyers for the parties are able to provide.’” *Macareno v. Thomas*,  
 15 378 F. Supp. 3d 933, 940 (W.D. Wash. 2019) (quotation marks omitted) (quoting *NGV Gaming,*  
 16 *Ltd. v. Upstream Point Molate, LLC*, 355 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005)); *see also,*  
 17 *e.g., Rosas v. Sarbanand Farms, LLC*, No. C18-0112, 2019 WL 3428663, at \*1 (W.D. Wash.  
 18 July 30, 2019) (same); *Wagafe*, 2022 WL 457983, at \*1 (“Amicus briefs are ‘frequently  
 19 welcome concerning legal issues that have potential ramifications beyond the parties directly  
 20 involved.’” (cleaned up) (quoting *NGV Gaming*, 355 F. Supp. 2d at 1067)).

21 Both circumstances are present here. First, this suit directly implicates *Amici* Tribes’  
 22 rights and interests by challenging the validity of the class III gaming compacts to which *Amici*  
 23 Tribes are parties and the legality of the *Amici* Tribes’ gaming activities. These gaming  
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25 <sup>1</sup> This motion and the accompanying brief are filed seven days after submission of Shoalwater Bay’s motion,  
 26 accounting for the federal holiday. *See* Local Rules W.D. Wash. LCR 6(a).

1 compacts and activities generate revenues for tribal governmental services essential to protect  
 2 the public health and safety of tribal communities, support thousands of jobs throughout  
 3 Washington State, and are the result of substantial investments made by *Amici* Tribes over the  
 4 past three decades. Courts frequently grant Indian tribes leave to submit *amicus* briefs in cases  
 5 implicating their unique rights and interests. *E.g.*, *NGV Gaming*, 355 F. Supp. 2d at 1068  
 6 (deeming it “appropriate” to consider tribal amicus brief because of the tribe’s “interest in the  
 7 [contracts] at issue”); *Sonoma Falls Devs., LLC v. Nev. Gold & Casinos, Inc.*, 272 F. Supp. 2d  
 8 919, 925 (N.D. Cal. 2003) (same). Leave should be granted here as well.

9 Second, *Amici* Tribes offer a unique perspective that can assist the Court. *Amici* Tribes  
 10 possess unique knowledge and information as to, *inter alia*, how (1) Maverick’s claims would  
 11 impair the sovereign interests of *Amici* Tribes in their compacts and gaming activities, (2) the  
 12 inability of the Federal and State Defendants to adequately represent those interests, and (3) the  
 13 devastating effects that this lawsuit could have on *Amici* Tribes and their members if it were to  
 14 proceed in their absence. *Amici* Tribes submit that such information is critical to resolution of  
 15 the pending motion to dismiss.

16 For these reasons, *Amici* Tribes respectfully request leave to file the proposed *amicus*  
 17 brief.

18 Dated: October 11, 2022

Respectfully submitted,

19 By: /s/ Tim Woolsey

20 Tim Woolsey  
 21 Washington Bar No. 33208  
 22 OFFICE OF THE TRIBAL ATTORNEY  
 23 SUQUAMISH TRIBE  
 24 P.O. Box 498  
 25 Suquamish, WA 98392  
 26 (360) 394-8493  
 27 twoolsey@suquamish.nsn.us

28 NON-PARTY TRIBES’ CONSENT  
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JENNER & BLOCK LLP  
 1099 New York Avenue, NW, Suite 900  
 Washington, DC 20001-4412  
 Tel. 202 639-6000

1 Keith M. Harper\*  
2 Leonard R. Powell\*  
3 JENNER & BLOCK LLP  
4 1099 New York Avenue NW  
5 Suite 900  
6 Washington, DC 20001  
7 (202) 639-6000  
8 kharper@jenner.com  
9 leonardpowell@jenner.com

10 ***Counsel for the Suquamish Tribe***

11 \_\_\_\_\_  
12 Cory J. Albright  
13 Washington Bar No. 31493  
14 KANJI & KATZEN, P.L.L.C.  
15 811 1st Avenue, Suite 630  
16 Seattle, WA 98104  
17 (206) 344-8100  
18 calbright@kanjikatzen.com

19 Harold Chesnin  
20 Washington Bar No. 398  
21 LEAD COUNSEL FOR THE TRIBE  
22 420 Howanut Road  
23 Oakville, WA 98568  
24 (360) 529-7465  
25 hchesnin@chehalistribe.org

26 ***Counsel for the Confederated Tribes of the  
27 Chehalis Reservation***

28 \_\_\_\_\_  
Kathleen M. Gargan  
Washington Bar No. 56452  
DORSAY & EASTON LLP  
1737 NE Alberta Street, Suite 208  
Portland, OR 97211  
(503) 790-9060  
katie@dorsayindianlaw.com

***Counsel for the Hoh Indian Tribe***

Lorraine A. Parlange  
Washington Bar No. 25139  
Aubrey A. Seffernick  
Washington Bar No. 37998  
KALISPEL TRIBE OF INDIANS LEGAL OFFICE  
934 S .Garfield Road  
Airway Heights, WA 99001  
(509) 789-7600  
lparlange@kalispeltribe.com  
aseffernick@kalispeltribe.com

***Counsel for Kalispel Tribe***

---

Brian C. Gruber  
Washington Bar No. 32210  
Crystal Pardue  
Washington Bar no. 54371  
ZIONTZ CHESTNUT  
2101 Fourth Avenue, Suite 1230  
Seattle, WA 98121  
(206) 448-1230  
bgruber@ziontzchestnut.com  
cpardue@ziontzchestnut.com

***Counsel for Makah Indian Tribe***

---

Nate J. Cushman  
Washington Bar No. 34944  
OFFICE OF THE TRIBAL ATTORNEY  
NISQUALLY TRIBE  
4820 She-Nah-Num Drive SE  
Olympia, WA 98513  
(360) 456-5221  
cushman.nate@nisqually-nsn.gov

***Counsel for Nisqually Indian Tribe***

---

Charles N. Hurt, Jr.  
Washington Bar No. 46217  
NOOKSACK INDIAN TRIBE  
5047 Mt. Baker Highway  
P.O. Box 63  
Deming, WA 98244  
(360) 592-4158  
churt@nooksack-nsn.gov

***Counsel for Nooksack Indian Tribe***

---

Steven D. Moe  
Washington Bar No. 41123  
LEGAL DEPARTMENT  
PORT GAMBLE S'KLALLAM TRIBE  
31912 Little Boston Road NE  
Kingston, WA 98346  
(360) 297-6242  
smoe@pgst.nsn.us

***Counsel for Port Gamble S'Klallam Tribe***

---

Robert L. Hunter, Jr.  
Washington Bar No. 48726  
PUYALLUP TRIBE OF INDIANS  
3009 E. Portland Avenue  
Tacoma, WA 98404  
(253) 573-7873  
robert.hunter@puyalluptribe-nsn.gov

***Counsel for Puyallup Tribe of Indians***

Lori Bruner  
Washington Bar No. 26652  
QUINAULT INDIAN NATION  
OFFICE OF THE ATTORNEY GENERAL  
136 Cuitan Street  
P.O. Box 613  
Taholah, WA 98587  
(360) 276-8215  
lbruner@quinault.org

***Counsel for Quinault Tribe***

---

Corin La Pointe-Aitchison  
Washington Bar No. 54924  
DORSAY & EASTON  
1737 NE Alberta Street, Suite 208  
Portland, OR 97211  
(503) 790-9060  
corin@dorsayindianlaw.com

***Counsel for Samish Indian Nation***

---

Earle David Lees, III  
Washington Bar No. 30017  
SKOKOMISH LEGAL DEPARTMENT  
SKOKOMISH INDIAN TRIBE  
N. 80 Tribal Center Road  
Skokomish Nation, WA 98584  
(360) 877-2100  
elees@skokomish.org

***Counsel for the Skokomish Indian Tribe***

---

Scott Wheat  
Washington Bar No. 25565  
WHEAT LAW OFFICES  
23215 West Long Lake Road  
Ford, WA 99013  
(509) 458-6521  
scottwheat@me.com

***Counsel for Spokane Tribe***

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JENNER & BLOCK LLP  
1099 New York Avenue, NW, Suite 900  
Washington, DC 20001-4412  
Tel. 202 639-6000

1 Nathan Schreiner  
2 Washington Bar No. 31629  
3 SQUAXIN ISLAND LEGAL DEPARTMENT  
4 3711 SE Old Olympic Highway  
5 Kamilche, WA 98584  
6 (360) 432-1771  
7 nschreiner@squaxin.us

***Counsel for Squaxin Tribe***

---

7 Rachel Sage  
8 Washington Bar No. 42231  
9 OFFICE OF TRIBAL ATTORNEY  
10 SWINOMISH INDIAN TRIBAL COMMUNITY  
11 11404 Moorage Way  
12 La Conner, WA 98257  
13 (360) 707-1501  
14 rsage@swinomish.nsn.us

***Counsel for Swinomish Indian Tribal  
Community***

---

14 Lisa Koop Gunn  
15 Washington Bar No. 47115  
16 THE TULALIP TRIBES  
17 6406 Marine Drive  
18 Tulalip, WA 98271  
19 (206) 683-5667  
20 lkoop@tulaliptribes-nsn.gov

***Counsel for the Tulalip Tribes***

---



Marcus Shirzad  
Washington Bar No. 50127  
YAKAMA NATION OFFICE OF LEGAL COUNSEL  
P.O. Box 150 / 401 Fort Road  
Toppenish, WA 98948  
Skokomish Nation, WA 98584  
(509) 865-7268  
marcus@yakamanation-olc.org

***Counsel for the Confederated Tribes and Bands  
of the Yakama Nation***

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*\*Pro Hac Vice Motion Forthcoming*

**CERTIFICATE OF SERVICE**

The undersigned certifies that on October 11, 2022, I caused to be served via the CM/ECF system a true and correct copy of the foregoing Motion and appended Proposed Amicus Brief and that service of these documents was accomplished on all parties in the case by the CM/ECF system.

Respectfully submitted,

By: /s/ Tim Woolsey

Tim Woolsey  
Washington Bar No. 33208  
OFFICE OF THE TRIBAL ATTORNEY  
SUQUAMISH TRIBE  
P.O. Box 498  
Suquamish, WA 98392  
(360) 394-8493  
twoolsey@suquamish.nsn.us